

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NICHOLAS BERGERON and BARBARA
MYCEK, individually and on behalf of others
similarly situated,

Plaintiffs,

v.

ROCHESTER INSTITUTE OF TECHNOLOGY,
Defendant.

Case No. 6:20-cv-06283

**DECLARATION OF QIAN (SHEILA) SHEN IN SUPPORT OF ROCHESTER
INSTITUTE OF TECHNOLOGY'S MOTION FOR SUMMARY JUDGMENT**

I QIAN (SHEILA) SHEN, declare:

1. I am an associate with the law firm Holland & Knight LLP. I am one of the attorneys for Defendant Rochester Institute of Technology ("RIT") and accordingly am familiar with the facts of this case and the documents attached hereto.
2. Attached as Exhibit 1 is a true and correct copy of excerpts from the deposition of Nicholas Bergeron ("Bergeron Deposition") taken on November 4, 2021.
3. Attached as Exhibit 2 is a true and correct copy of Exhibit 2 from the Bergeron Deposition.
4. Attached as Exhibit 3 is a true and correct copy of Exhibit 4 from the Bergeron Deposition.
5. Attached as Exhibit 4 is a true and correct copy of Exhibit 5 from the Bergeron Deposition.
6. Attached as Exhibit 5 is a true and correct copy of Exhibit 6 from the Bergeron Deposition.

7. Attached as Exhibit 6 is a true and correct copy of Exhibit 7 from the Bergeron Deposition.

8. Attached as Exhibit 7 is a true and correct copy of Exhibit 8 from the Bergeron Deposition.

9. Attached as Exhibit 8 is a true and correct copy of Exhibit 9 from the Bergeron Deposition.

10. Attached as Exhibit 9 is a true and correct copy of Exhibit 10 from the Bergeron Deposition.

11. Attached as Exhibit 10 is a true and correct copy of Exhibit 11 from the Bergeron Deposition.

12. Attached as Exhibit 11 is a true and correct copy of Exhibit 14 from the Bergeron Deposition.

13. Attached as Exhibit 12 is a true and correct copy of Exhibit 16 from the Bergeron Deposition.

14. Attached as Exhibit 13 is a true and correct copy of excerpts from the deposition of Nicholas Quattrocchi (“Quattrocchi”) taken on November 5, 2021.

15. Attached as Exhibit 14 is a true and correct copy of Exhibit 4 from the Quattrocchi Deposition.

16. Attached as Exhibit 15 is a true and correct copy of Exhibit 7 from the Quattrocchi Deposition.

17. Attached as Exhibit 16 is a true and correct copy of Exhibit 8 from the Quattrocchi Deposition.

18. Attached as Exhibit 17 is a true and correct copy of Exhibit 9 from the Quattrociocchi Deposition.

19. Attached as Exhibit 18 is a true and correct copy of Exhibit 12 from the Quattrociocchi Deposition.

20. Attached as Exhibit 19 is a true and correct copy of Exhibit 13 from the Quattrociocchi Deposition.

21. Attached as Exhibit 20 is a true and correct copy of Exhibit 14 from the Quattrociocchi Deposition.

22. Attached as Exhibit 21 is a true and correct copy of Exhibit 15 from the Quattrociocchi Deposition.

23. Attached as Exhibit 22 is a true and correct copy of excerpts from the deposition of Milagros Concepcion (“Concepcion”) taken on March 23, 2022.

24. Attached as Exhibit 23 is a true and correct copy of Exhibit 4 from the Concepcion Deposition.

25. Attached as Exhibit 24 is a true and correct copy of excerpts from the deposition of Charles D. Cowan, Ph.D. (“Cowan”) taken on July 20, 2022.

26. Attached as Exhibit 25 is a true and correct copy of the expert report of Charles D. Cowan, Ph.D. (“Cowan Report”).

27. Attached as Exhibit 26 is a true and correct copy of the March 14, 2020 Statement from County Executive Adam Bello on the closing of public schools across Monroe County.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed this 20th day of September 2022, in New York, New York.

/s Qian Shen
Qian (Sheila) Shen